

REMARKS

The foregoing amendments and these remarks are submitted in response to the Office Action of August 12, 2004, and are believed to overcome all of the issues set forth therein.

Amendments to two paragraphs of the specification reflect necessary corrections to obvious errors present in the original specification and therefore do not incorporate any new subject matter.

On page 2 of the Office Action, original claims 1-8 have been rejected under 35 U.S.C. §103(a) as assertedly obvious over Schuster U.S. Patent No. 3,805,505 ("Schuster") in view of Schlomer et al U.S. Patent No. 6,035,625 ("Schlomer"). For the reasons more fully discussed below, Applicant respectfully disagrees and traverses these rejections. Reconsideration of this application is respectfully requested.

As the specification and claims of the present application make clear, the present invention relates essentially to an improved yarn withdrawal nozzle for use in an open-end rotor spinning arrangement, featuring a nozzle body defining a yarn withdrawal pathway. A coaxially-arranged structure comprised of beads or grooves is positioned along the yarn withdrawal pathway, with radially spaced notches located downstream from the coaxially-arranged structure in the traveling direction of the yarn.

More particularly, the coaxially-arranged structure along the yarn withdrawal pathway of the present invention is comprised of concentric circular beads or grooves with differing diameters. In accordance with paragraph 0038, the circular coaxially-arranged structure "ensures that a constant distance between the yarn formation zone in the spinning rotor and the structure for retaining the real yarn twist is provided," without the added production costs inherent in spiral nozzles of the prior art. Hence, the juxtaposition of the downstream notches with the coaxially-arranged structure of circular beads or grooves along the yarn withdrawal pathway contributes to even yarn formation during the spinning process and simultaneously provides a high degree of overall spinning stability.

While Applicant believes the original claims patentably define these distinctions over the prior art, Applicant has elected to cancel original claims 1-8 and to present new claims 9-16 to even better reflect and clarify the distinctive characteristics of the yarn withdrawal nozzle of the present invention.

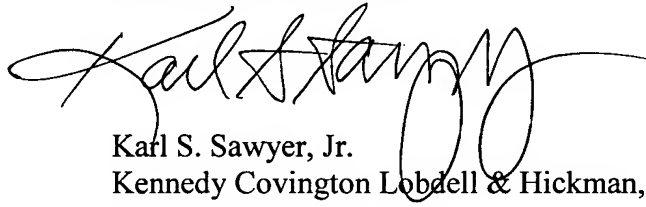
According to the rejection, it would be assertedly obvious to one of ordinary skill in the art to arrive at the present invention by incorporating with the invention of the primary reference taught by Schuster the specific feature of Schlomer et al, whereby downstream notches are used in the withdrawal nozzle in order to improve yarn twisting. Applicant respectfully disagrees with this conclusion for the following reasons. In accordance with Figure 2 of the Schuster reference, Applicant acknowledges that Schuster teaches a yarn withdrawal nozzle featuring a coaxially-arranged structure of circular beads or grooves of differing diameters in the inlet funnel of the nozzle body. However, Applicant disagrees with the conclusion that it would be obvious to one of ordinary skill in the art to rely upon the circular arrangement as taught by Schuster. It is recognized in the relevant industry, and therefore would be appreciated by a person of ordinary skill in the industry, that, in actual practice, the Schuster arrangement of radially and concentrically positioned beads or grooves all positioned together in the same inlet area of a yarn withdrawal nozzle is responsible for initiating a very erratic running of the yarn as it leaves the spinning rotor during yarn formation. In the course of rotation, a length of yarn running from the spinning rotor will effectively “jump” from groove to groove in a manner such that the real yarn twist, which is responsible for the creation of the yarn, exits the critical area of the rotor groove and impairs the overall yarn quality. Accordingly, such arrangement has proven unworkable for its intended purpose, and one of ordinary skill in the art would therefore be likely to discount any teaching value of the Schuster reference rather than attempt to utilize any features from Schuster.

Applicant also acknowledges the teaching of Schlomer et al, with regard to the downstream placement of radial notches and the position of beads or grooves along the adjoining area of an inlet funnel of a yarn withdrawal nozzle. In effect, the Schlomer reference is merely representative of the prior state of the art over which the present invention seeks to improve. However, the unworkable character of the yarn withdrawal nozzle as taught by Schuster would likely fail to inspire one of ordinary skill in the art to incorporate any aspect of the Schuster reference with the downstream notches as taught by Schlomer et al in order to arrive at the unique defining characteristics of the present invention. Indeed, one of ordinary skill in the art would be more likely to disregard the

Schuster reference altogether. Hence, Applicant submits that the asserted combination of Schuster and Schlomer is contrary to the concept of obviousness as contemplated under Section 103 and, instead, an analysis of the two references from the real-world perspective of a person of ordinary skill in the art would actually teach away from the present invention.

In view of the foregoing, it is respectfully urged that the present claims are in condition for allowance and reconsideration is requested. An early notice to this effect is earnestly solicited. Should there be any questions regarding this application, the Examiner is invited to contact the undersigned at the number shown below.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Karl S. Sawyer, Jr.', with a large, stylized 'S' and 'J'.

Karl S. Sawyer, Jr.
Kennedy Covington Lobdell & Hickman, LLP
Hearst Tower, 47th Floor
214 North Tryon Street
Charlotte, North Carolina 28202
Telephone (704) 331-7400
-- Attorney for Applicant